

Mr. Ronald Patterson
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March 1, 2010

**STATE OF CONNECTICUT
GENERAL ASSEMBLY**

Senator Eric D. Coleman and Representative Gerald M. Fox III
Co- Chairs of
JUDICIARY COMMITTEE

My name is Ronald Patterson and I am a citizen of the State of Connecticut . I am opposing the nomination of Appellate Judge Lubbie Harper Jr. to fill the vacancy on the state Supreme Court to replace Joette Katz.

I went before Judge Harper, on appeal from the trial court, in which he were part a panel of three judges on October 18, 2007 concerning the protected property and other interest that I have under the last Will and Testament of the Decedent Quitman Butler in which I compiled with Conn. General Statutes 52-592(a)(d) and 52-579 to commenced civil action pro se against the named Principal/ fiduciary Boce W. Barlow and Surety Travelers Casualty and Surety Company . **Exhibit A Court Order of August 26, 2004** Attorney Paul Lewis was sued only for fraud he was never appointed executor. C.G.S. 45a- 144(a) gives me rights to file an action as aggrieved person and party to the probate bonds.

Appellate Judges Harper, Foti and Bishop was clearly bias, willfully and purposely made misrepresentations of fact and law that violated my constitutional rights and is an injustice to me. **Exhibit B. See Opinion of December 11, 2007**

1. These judges violated Court's Order by ruling " Because the Probate Court determined that the fiduciary complied with his obligations and terminated the bonds, res judicata acts as a bar to further litigation absent a timely appeal, which in the present case, was not filed by plaintiff."
2. According to Conn. General Statute 52-579 **Exhibit C** gave me the right to sue the terminated Bonds by the Probate Court against Barlow and Travelers as Principal and Surety then Whether or not there was a breach raises an issue of fact. If so the Decree of the Probate Court of December 19, 1994 can be subject to attack under Conn. General Statute 45a-24 for fraud, mistake and inequitable ground.
3. Attorney Paul Lewis acted as executor without an appointment for over ten years, a requirement Probate Judge Robert Killian Jr. failed in his authority to appoint and Lewis failed to post any surety bond while he fraudulently served as trustee. Judge Killian

failed to decide the merits of my claims of breach by Barlow, as fiduciary. Res judicata does not bar claims of fraud. Sufficient evidence of fraud is in the record. Judge Harper had the full record and he was obligated to rule on the claims fraud.

4. Barlow as fiduciary failed to file a discharge in a timely manner when he became too ill to carry out his responsibilities and failed to notify me of that he had not handled the estate since 1981 the estate closed in 1994. There were other breaches of Attorney Barlow's duties he failed to carry fire insurance in the name of the trust properties that I had an interest in that burned down.

5. Former Presiding Judge Vanessa L. Bryant violated my due process of law right by striking the case from hearing and damages list because a default for failure to plead against Travelers Principal Barlow and Lewis was granted by the clerk on September 8, 2004 no pleadings were filed I moved for Motion for Judgment on September 24, 2004 notice were mailed that a court date would be January 10, 2005 Barlow and Lewis failed to appear in court on that day the court should issued a default for failure to plead and appear. Judge Vanessa Bryant illegally struck the case from damage list and override my objections to trial on the merits. Trial Judge Lois Tanzer ruled that defaults were properly opened and proceeded with trial on the merits. Judge Harper sided with the other judges criminal conduct and clearly avoided the whole issue and misrepresented that it was a default for failure to attend pretrial conference which the record of Superior Court support this is not the truth. **Exhibit D**

Judge Harper violated his responsibility to me and the people to be impartial. Appearance of bias is apparent by his actions to cover-up other judges criminal conduct and none of his actions is a judicial functions because judges and other defendants clearly obstructed justice in violation of the rule of law. His conduct is in violation of C.G.S. 51-51i (a) (1) (2) (3) and (4). Please inform Travelers Casualty & Surety Company they must abide by the laws.

I respectfully request that Appellate Judge Lubbie Harper Jr .be denied the position of Associate Supreme Court Justice.

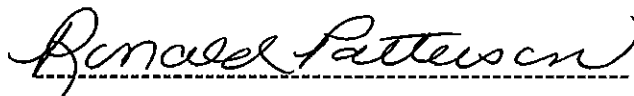

Ronald Patterson

EXHIBIT A

NO. CV 04-0833447 : SUPERIOR COURT
RONALD PATTERSON : J.D. OF HARTFORD
VS. : AT HARTFORD
TRAVELERS CASUALTY & SURETY,
ET AL. : AUGUST 26, 2004

**MEMORANDUM OF DECISION ON TRAVELER'S
CASUALTY & SURETY COMPANY'S MOTION
TO DISMISS OR IN THE ALTERNATIVE MOTION
FOR SUMMARY JUDGMENT (#102)**

This is an action alleging breach of fiduciary duty by the trustee.

This civil action was commenced in the United States District Court in Hartford on December 18, 2000. The Probate Court found that the Principal had complied with all of his fiduciary obligations and terminated Traveler's liability on the bonds on December 19, 1994.

The instant action was brought on March 18, 2004. On March 3, 2004 the federal action was dismissed without prejudice to any claim arising under state law. Under the provisions of C.G.S. § 52-592 (a)(d) the plaintiff commenced a new action in Superior Court within one year of the federal dismissal.

This court finds that the action brought by the plaintiff is within the six year period under the provisions of § 52-579 which provides in pertinent part that no action shall be maintained against the surety on any probate bond unless brought within six years from the final settlement

cc:
Bradford Carver, Esq. (D)
Ronald Patterson (P)
Paul Lewis, Esq. (D)
Rptr. Jud. Dec.
8/26/04 (alp)

FILED
AUG 26 2004
HARTFORD J.D.

of account of the principal in such bond and the acceptance of such account by the Court of Probate. See *State Ex Rel McClure v. Northop*, 93 Conn. 558 (1919).

The date of December 19, 2000, concludes the running of the six year period which began on December 19, 1994. This action was commenced in Federal Court on December 18, 2000. The motion to dismiss is denied.

The defendant Travelers Casualty & Surety Company (Travelers) has pled in the alternative a motion for summary judgment, premised on the proposition that the defendant Travelers is no longer in the picture its bond having been terminated by the Probate Court in 1994 when the Probate Court accepted the final accounting for the estate.

The language in the bond posted on December 3, 1975 for \$10,000 and the bond posted on May 2, 1976, in the amount of \$29,000 states that the principal shall well and faithfully discharge the duties of his trust according to law. The surety bond language is to ensure proper performance of the fiduciary trustee's duties.

This action alleges a breach of fiduciary duty by the trustee. Whether or not there was such a breach raises an issue of fact. Accordingly, the motion for summary judgment is denied.

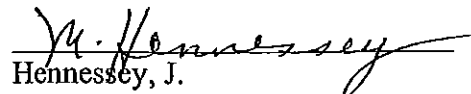

Hennessey, J.

EXHIBIT B

The "officially released" date that appears near the beginning of each opinion is the date the opinion will be published in the Connecticut Law Journal or the date it was released as a slip opinion. The operative date for the beginning of all time periods for filing postopinion motions and petitions for certification is the "officially released" date appearing in the opinion. In no event will any such motions be accepted before the "officially released" date.

All opinions are subject to modification and technical correction prior to official publication in the Connecticut Reports and Connecticut Appellate Reports. In the event of discrepancies between the electronic version of an opinion and the print version appearing in the Connecticut Law Journal and subsequently in the Connecticut Reports or Connecticut Appellate Reports, the latest print version is to be considered authoritative.

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RONALD PATTERSON *v.* TRAVELERS CASUALTY
AND SURETY COMPANY ET AL.
(AC 27720)

Bishop, Harper and Foti, Js.

Argued October 18—officially released December 11, 2007

(Appeal from Superior Court, judicial district of
Hartford, Bryant, J.; Tanzer, J.)

Ronald Patterson, pro se, the appellant (plaintiff).

Bradford R. Carver, for the appellee (named
defendant).

Opinion

PER CURIAM. The plaintiff, Ronald Patterson, appeals from the judgment of the trial court in favor of the defendants, Travelers Casualty & Surety Company (Travelers) and Paul Lewis. On appeal, the plaintiff claims that the court improperly (1) opened a default against Travelers and (2) directed a verdict in favor of Travelers and Lewis.¹ We affirm the judgment of the trial court.

The following facts and procedural history are relevant to our disposition of the plaintiff's appeal. In April, 2004, the plaintiff commenced this pro se action against Boce W. Barlow, Jr., and Lewis, alleging breach of fiduciary duty in their capacity as executors of the estate of the plaintiff's grandfather, Quitman Butler. The plaintiff also sought to recover against Travelers as surety on a probate bond issued to Barlow. Prior to the start of trial in April, 2006, Barlow died. The court, *Tanzer, J.*, relying on General Statutes §§ 52-599 and 52-600, informed the parties that the court could not proceed with any claims as to Barlow until his estate was brought into the action by the plaintiff but that the action could move forward as to the remaining defendants.²

On June 15, 2005, Travelers did not appear for a pretrial conference and a default was entered against it. On July 11, 2005, prior to a hearing in damages that had been scheduled, the court, *Bryant, J.*, granted Travelers' motion to open the default. Travelers' motion indicated that it had not received a copy of the pretrial notice.

The matter was tried to the jury as to the two remaining defendants, Travelers and Lewis. At the conclusion of the plaintiff's case, the defendants moved for a directed verdict, which Judge Tanzer granted. The court determined that the plaintiff's claims were barred by the statute of limitations and by the doctrine of res judicata.³ On May 16, 2006, the plaintiff filed this appeal.⁴

I

The plaintiff first claims that Judge Bryant improperly set aside or opened the default against Travelers. We disagree.

"We review a court's ruling on a motion to set aside a default under the abuse of discretion standard. . . . In reviewing claims that the trial court abused its discretion, great weight is given to the trial court's decision and every reasonable presumption is given in favor of its correctness. . . . We will reverse the trial court's ruling only if it could not reasonably conclude as it did." (Citation omitted; internal quotation marks omitted.) *Merritt v. Fagan*, 78 Conn. App. 590, 593, 828 A.2d 685, cert. denied, 266 Conn. 916, 833 A.2d 467 (2003).

is governed by Practice Book § 17-42 because the default was entered prior to final judgment. See *Blue Cross/Blue Shield of Connecticut, Inc. v. Gurski*, 49 Conn. App. 731, 733, 715 A.2d 819, cert. denied, 247 Conn. 920, 722 A.2d 809 (1998). Section 17-42 provides in relevant part: "A motion to set aside a default where no judgment has been rendered may be granted by the judicial authority for good cause shown"

The court found that Travelers' failure to receive notice constituted good cause for its nonappearance.⁶ We conclude, therefore, that the court did not abuse its discretion in granting the motion to set aside or to open the default.

II

The plaintiff next claims that Judge Tanzer improperly directed a verdict in favor of Travelers and Lewis. We disagree.

Our standard for reviewing a challenge to a directed verdict is well settled. "Generally, litigants have a constitutional right to have factual issues resolved by the jury. . . . Directed verdicts [therefore] are historically not favored and can be upheld on appeal only when the jury could not have reasonably and legally reached any other conclusion. . . . We review a trial court's decision to direct a verdict for the defendant by considering all of the evidence, including reasonable inferences, in the light most favorable to the plaintiff. . . . A verdict may be directed where the decisive question is one of law or where the claim is that there is insufficient evidence to sustain a favorable verdict." (Internal quotation marks omitted.) *Beale v. Yale-New Haven Hospital*, 89 Conn. App. 556, 565-66, 874 A.2d 259 (2005).

The record discloses that on December 19, 1994, the final accounting was approved by the Probate Court for the district of Hartford, which rendered a final decree terminating the fiduciary's obligation. No appeal was filed. Therefore, the Probate Court's order is no longer subject to attack.

"All orders, judgments and decrees of courts of probate, rendered after notice and from which no appeal is taken, shall be conclusive and shall be entitled to full faith, credit and validity and shall not be subject to collateral attack, except for fraud." General Statutes § 45a-24. Because the Probate Court determined that the fiduciary complied with his obligations and terminated the bonds, *res judicata* acts as a bar to further litigation absent a timely appeal, which, in the present case, was not filed by the plaintiff.

The judgment is affirmed.

¹ The plaintiff also alleges that the court improperly struck the case from the hearing in damages list. This claim is subsumed in the first issue and is also without merit.

² Barlow's estate was substituted as a party after judgment was rendered and after this appeal was filed. Issues raised as to Barlow are not properly

³ A decree by the Probate Court for the district of Hartford, dated December 19, 1994, was concluded to be a final judgment from which the plaintiff failed to appeal.

⁴ The court also found that the plaintiff had failed to present sufficient evidence to sustain his claim of fraud. In his complaint, the plaintiff alleged that Lewis fraudulently acted as trustee of Butler's estate for at least ten years. The plaintiff claimed that Lewis had never been authorized to act as trustee and failed to post a surety bond with Travelers or any other surety company for the time he served as trustee. Because we affirm the judgment on the basis of res judicata, we do not reach this claim.

⁵ The plaintiff argues that the default could not be opened because the matter was not filed within four months, as required by Practice Book § 17-4. Section 17-4 applies to judgments and not a default on which a judgment has not yet been rendered.

EXHIBIT C

...an action to
may be brought at
legally at fault for
-70 or 53a-70a.

C.J.S. Highways § 269.
C.J.S. Limitations of Actions §§ 159, 164 to 171, 173 to 182.
C.J.S. Physicians, Surgeons, and Other Health-Care Providers § 107.

§ 52-579. Limitation of suit on probate bond; exception

No action shall be maintained against the surety on any probate bond unless brought within six years from the final settlement of account of the principal in such bond and the acceptance of such account by the court of probate; but this provision shall not apply to minors who are parties in interest.
(1949 Rev., § 8318.)

...any cause of action
committed prior to, on

Annotation:
1902 Rev., § 1112.

Historical and Statutory Notes

1918 Rev., § 6156.
1930 Rev., § 6008.

Library References

Executors and Administrators ⇨ 537(5).
Limitation of Actions ⇨ 48(4).
Westlaw Topic Nos. 162, 241.
C.J.S. Executors and Administrators § 900.
C.J.S. Limitations of Actions § 150.

...in the First Degree

Research References

Tables and Practice Aids
Probate Litigation in Connecticut § 5:8, Actions on Probate Bonds.
653

Sexual Assault in the

§ 52-579

CIVIL ACTION
Title

Notes of Decisions

Time of accrual 1

§ 6156 (this section), limiting actions against sureties on probate bonds to those brought within six years from final settlement and acceptance of the account of the principal began to run. State v. Northrop (1919) 100 Conn. 504, 93 Conn. 558. Trusts ⇐ 387

1. Time of accrual

Where trustee never rendered a final account, statute of limitations, under Gen.St.1918,

§ 52-580. Settlement of partnership or joint accounts

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EXHIBIT D

Docket No: CV-04-0833447S

Superior Court

RONALD PATTERSON
Plaintiff

J.D. of HARTFORD/NEW BRITAIN

v.

at HARTFORD

TRAVELERS CASUALTY & SURETY
COMPANY, BOCE W. BARLOW JR. and
PAUL LEWIS
Defendants

September 24, 2004

MOTION FOR JUDGMENT DEFAULT FOR FAILURE TO PLEAD

Pursuant to Practice Book § 17-32(b), the plaintiff herein moves that a judgment by default be entered against the defendant, BOCE W. BARLOW JR. and PAUL LEWIS for their failure to file a responsive pleading to the complaint.

Plaintiff's motion for default-pleading was granted by judge by the clerk on September 8, 2004. Fifteen days expiration from the date of notice of issuance of the default under this subsection.

Wherefore, the plaintiff claims judgment for Default for failure to plead against the named defendants.

THE PLAINTIFF

BY:

Ronald Patterson

Ronald Patterson
133 Huntington ST. # 1
Hartford, CT. 06105
Tel; (860) 728-5759

*See # 113 - DEFAULT
entered on 9/8/04
MH
already made
aa.*

NO ORAL ARGUMENT REQUESTED
NO TESTIMONY REQUIRED

*Schedule for oral argument
M. Hennessey
10/13/04*

JD00 #31

nan/aa

FILED

SEP 24 2004

HARTFORD J.D.

*JD00 #31
(11/29/04 sched)
nan/aa*

117 UB

Certification of Service

I hereby certify that a copy of the above was mailed, postage prepaid on September 24, 2004 to all counsel of record .

Travelers Casualty & Surety Company

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1229 Albany Ave.
Hartford, CT. 06112

Ronald Patterson

Ronald Patterson

ORDER

The foregoing motion having been presented to the Court, it is hereby:
Ordered that a judgment by default be entered against the defendant for failure to plead.

Default is Granted

THE COURT

BY (Booth, J.)
Judge of Superior Court

JK/loc
1/10/2005

JDNO sent
1/10/2005